

## REMARKS

Applicants have carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Applicants thank the Examiner for the courtesy of an interview granted on 5 June 2007 to Applicants' representative Sanford T. Colb, registration number 26,856. The substance of the interview is included in the Interview Summary.

A proposed amendment to claim 85 was discussed in the interview with respect to the Zigmond and Kauffman references. Applicants' representative discussed the invention with respect to an advertisement having three criteria along with the corresponding steps associated therewith. The Examiner indicated that it appears that the proposed amendment would overcome the rejection of record, and that the Examiner will update the search after Applicants file the formal reply.

Applicants have therefore amended claim 85 as discussed in the interview.

Claims 85, 88 – 92, 145, and 164 – 197 were examined. Claims 89 and 165 have been canceled. New claims 198 and 199 have been added. Thus, claims 85, 88, 90 – 92, 145, 164, and 166 – 199 are now pending in the application.

The Examiner's indication that the Office Action of October 13, 2006 has been withdrawn is gratefully acknowledged.

Claims 85, 88, 91 – 92, 145, 164, 167 – 169, 170 – 194, and 196 stand rejected under 35 USC 103(a) as being unpatentable over US Patent 6,698,020 to Zigmond et al ("Zigmond") in view of US Patent 5,260,778 of Kauffman et al ("Kauffman").

Claims 89 – 90 and 165 – 166 stand rejected under 35 USC 103(a) as being unpatentable over Zigmond in view Kauffman as applied to claim 85, and further in view of US Patent 6,075,551 to Berezowski et al ("Berezowski").

Zigmond describes a system and method for selecting and inserting advertisements into a video programming feed at the household level.

Kauffman describes apparatus for selective distribution of messages over a communications network.

Berezowski describes a system for supplying globally distributed video promotional information to cable systems.

Claim 85 has been amended for clarification and to include recitations from claim 89. Claim 89 has been canceled without prejudice.

The amendment to claim 85 is supported, inter alia, by originally filed claim 5 and by the following passages in the specification: from the paragraph bridging pages 30 and 31 through the paragraph bridging pages 31 and 32; the second full paragraph on page 5; the paragraph bridging pages 3 and 4; and the first full paragraph on page 27.

The amendment to claim 85 is as discussed in the interview. As stated above, the Examiner indicated in the interview that it appears that the proposed amendment would overcome the rejection of record.

It is respectfully submitted that Zigmond and Kauffman, which were cited against claim 85, do not describe or suggest the combination now claimed in amended claim 85; in particular, at least the newly added features taken from claim 89 are neither described nor suggested in either Zigmond or Kauffman. Additionally, Berezowski, which was cited together with Zigmond and Kauffman against claim 89, does not describe or suggest the combination now claimed in amended claim 85; in particular, at least the feature of determining user-specific NAP, as claimed in amended claim 85, is neither described nor suggested in Berezowski.

Amended claim 85 is therefore deemed allowable.

Claim 88 has been amended consequent to the amendment to claim 85.

Amended claim 88 depends from claim 85 and recites additional patentable subject matter.

Amended claim 88 is therefore deemed allowable.

Claim 90 has been amended to depend from claim 85 and to take into

account the amendment to claim 85.

Amended claim 90 depends from claim 85 and recites additional patentable subject matter.

Amended claim 90 is therefore deemed allowable.

Claims 91 and 92 depend directly or indirectly from claim 85 and recite additional patentable subject matter.

Claims 91 and 92 are therefore deemed allowable.

Claim 145 has been amended for clarification and to include recitations from claim 165. Claim 165 has been canceled without prejudice.

The arguments submitted above with respect to the patentability of amended claim 85 also apply to amended claim 145.

Amended claim 145 is therefore deemed allowable.

Claim 164 depends from claim 145 and recites additional patentable subject matter.

Claim 164 is therefore deemed allowable.

Claim 166 has been amended to depend from claim 145 and to take into account the amendment to claim 145.

Amended claim 166 depends from claim 145 and recites additional patentable subject matter.

Amended claim 166 is therefore deemed allowable.

Claims 167 and 168 depend directly or indirectly from claim 145 and recite additional patentable subject matter.

Claims 167 and 168 are therefore deemed allowable.

Claim 169, which is apparatus claim corresponding to claim 145 and written in a means-plus-function form, has been amended similarly to claim 145.

Amended claim 169 is therefore deemed allowable.

Claims 170 – 181 depend directly or indirectly from claim 85 and recite additional patentable subject matter.

Claims 170 – 181 are therefore deemed allowable.

Claims 182 – 193 depend directly or indirectly from claim 145 and recite additional patentable subject matter.

Claims 182 – 193 are therefore deemed allowable.

Claim 194 depends from claim 85 and recites additional patentable subject matter.

Claim 194 is therefore deemed allowable.

Claim 196 depends from claim 145 and recites additional patentable subject matter.

Claim 196 is therefore deemed allowable.

Claims 195 and 197 stand rejected under 35 USC 103(a) as being unpatentable over Zigmond and Kauffman as applied to claims 85 and 145, respectively, and further in view of US Patent 6,141,530 to Rabowsky (“Rabowsky”).

Rabowsky describes a system and method for digital electronic cinema delivery.

Claim 195 depends from claim 85 and recites additional patentable subject matter.

Claim 195 is therefore deemed allowable.

Claim 197 depends from claim 145 and recites additional patentable subject matter.

Claim 197 is therefore deemed allowable.

New claims 198 and 199 have been added. Claims 198 and 199 are directed to the invention being examined.

New claims 198 and 199 are supported, inter alia, by Fig. 4 and by the specification from the paragraph bridging pages 29 and 30 through the second full paragraph on page 30.

Claim 198 depends from claim 85 and recites additional patentable subject matter.

Claim 198 is therefore deemed allowable.

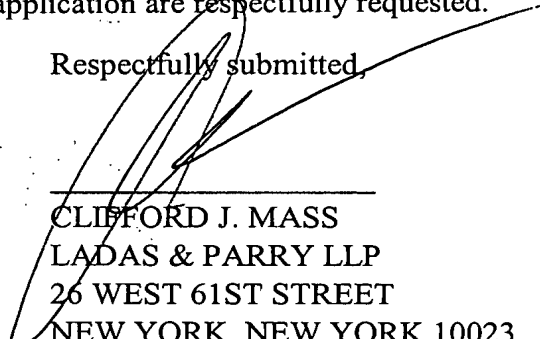
Claim 199 depends from claim 145 and recites additional patentable subject matter.

Claim 199 is therefore deemed allowable.

In view of the forgoing amendments and remarks, it is respectfully

submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,



---

CLIFFORD J. MASS  
LADAS & PARRY LLP  
26 WEST 61ST STREET  
NEW YORK, NEW YORK 10023  
REG. NO.30,086(212)708-1890